

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ELECTRONICALLY FILED  
DOC #  
DATE FILED: 12/7/2018

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**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**-- against --**

**BARRY C. HONIG, JOHN STETSON,  
MICHAEL BRAUSER, JOHN R. O'ROURKE III,  
MARK GROUSSMAN, PHILLIP FROST,  
ROBERT LADD, ELLIOT MAZA, BRIAN KELLER,  
JOHN H. FORD, ALPHA CAPITAL ANSTALT, ATG  
CAPITAL LLC, FROST GAMMA INVESTMENTS  
TRUST, GRQ CONSULTANTS, INC.,  
HS CONTRARIAN INVESTMENTS, LLC,  
GRANDER HOLDINGS, INC., MELECHDAVID,  
INC., OPKO HEALTH, INC.,  
SOUTHERN BIOTECH, INC., and  
STETSON CAPITAL INVESTMENTS INC.,**

**Defendants.**

**18 Civ. 8175 (ER)**

**ECF CASE**

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, Plaintiff Securities and Exchange Commission (the "Commission") has advised counsel for Defendants Barry C. Honig, John Stetson, Michael Brauser, John R. O'Rourke III, Mark Groussman, Phillip Frost, Robert Ladd, Elliot Maza, Alpha Capital Anstalt, ATG Capital LLC, Frost Gamma Investments Trust, GRQ Consultants, Inc., HS Contrarian Investments, LLC, Grander Holdings, Inc., Melechdavid, Inc., OPKO Health, Inc., and Stetson Capital Investments Inc., and Brian Keller, appearing pro se (collectively, "Defendants"), that it wishes to amend its Complaint in this action; and

WHEREAS, Defendants consent to the filing of an Amended Complaint; and

WHEREAS, certain Defendants have indicated that they may wish to file Motions to dismiss the Amended Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, Securities and Exchange Commission ("Commission"), and Defendants, either individually or through their respective attorneys, that:

1. Defendants consent to the Commission's filing of an Amended Complaint.
2. The Commission shall file its Amended Complaint on or before January 4, 2019.
3. The Commission and any Defendant who wishes to file a Motion to dismiss the

Amended Complaint shall be governed by the following briefing schedule:

(a) Any Defendant moving to dismiss the Amended Complaint shall serve and file its Motion and supporting papers by February 28, 2019;

(b) The Commission shall serve and file its Opposition papers by March 28, 2019; and

(c) Moving Defendants shall serve and file their respective Reply papers by April 22, 2019.

Dated: New York, NY  
December 5, 2018

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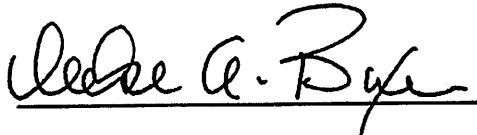
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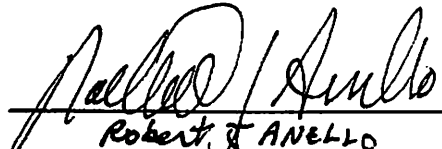
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Attorneys for Defendant OPKO Health, Inc.

SO ORDERED:

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

ROBERT LADD

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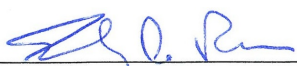
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SO ORDERED:

  
\_\_\_\_\_  
Edgardo Ramos, U.S.D.J  
Dated: 12/7/2018  
New York, New York

ROBERT LADD

BRIAN KELLER

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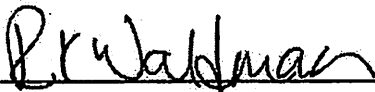
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